



Posted: 08/20/10

CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	Board of Massage and Bodywork
MEETING DATE AND TIME:	Thursday, June 17, 2010 at 1:30 p.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor Cannon Building
MINUTES APPROVED:	August 19, 2010

MEMBERS PRESENT

Lora Bryner, Professional Member, President
Cindy Horsman, Professional Member, Vice President
Gordon Gelley, Public Member, Secretary
Holly Overmyer, Professional Member
Sheila Nagyiski, Professional Member
Sharon Harris, Public Member

MEMBERS ABSENT

Diane Langston, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL/COURT REPORTER

Eileen Heeney, Deputy Attorney General
Nancy Fields, Administrative Specialist
Barbara Gadbois, Deputy Attorney General

OTHERS PRESENT

Kim Stockslager
Beth Richmond
David Patterson
Janice Ellis
Michael Cammisuli

CALL TO ORDER

Ms. Bryner called the meeting to order at 1:40 p.m.

Ms. Bryner introduced the two newest members of the Board, Holly Overmyer, CMT and Sheila Nagyiski, CMT. Everyone welcomed them. The members expressed that they were happy to have the vacancies finally filled. The Board has had vacancies for Technician's for over a year because the Governor's office could not locate qualified candidates. Ms. Overmyer and Ms. Nagyiski were recently appointed by Governor Markell this month and were strongly encouraged to attend this meeting due to a possible quorum issue.

REVIEW OF MINUTES

The Board reviewed the minutes from the May 20, 2010 meeting. A motion was made by Ms. Harris, seconded by Mr. Gelley, to approve the minutes as presented. The motion unanimously carried.

UNFINISHED BUSINESS

Disciplinary Hearing for Hong Zhang, CMT

At 2:00 pm, Ms. Gadbois asked the Board to dismiss the case due because the witness was not in attendance to give her testimony. The Board agreed.

At 2:15 pm, Ms. Gadbois asked the Board for their permission to reopen the case because the witness was now present. The Board granted permission to reopen and proceed with the hearing.

Despite the fact that the licensee was given ample notice of the complaint and hearing, he was not present.

The Board went on the record. Ms. Heeney stated the purpose of the hearing was the result of receiving complaint # 20-06-10, against Mr. Hong Zhang, a certified massage technician, for inappropriate touching while giving a massage. Ms. Harris and Ms. Bryner were recused due to being the complaint personnel. The Board was introduced.

Ms. Gadbois called Ms. Fields, the Administrative Specialist for the Board as her first witness. Ms. Fields was sworn in and testified that the hearing notification for today's hearing was mailed via certified mail to the only address on file for the client.

The State called the complainant to testify. She was sworn in and she gave her testimony of the events that transpired. She identified Mr. Zhang in a photograph that the Board had on file, and advised the Board that he used the alias of John Lee at his place of employment for the clients.

The State then called the complainant's fiancé, who testified that he was with the complainant getting a massage nearby and heard his fiancé's opposition to what Mr. Zhang was doing during the massage. The state rested and gave a brief closing.

The Board went off the record for deliberations. During the deliberations, the Board decided to ask Ms. Fields another question.

The Board went back on the record and asked Ms. Fields if she could verify that page 11 of the Board's exhibit, which contained the licensee's photograph, was submitted by the licensee as part of his application and permanent file. Ms. Fields verified that it was submitted by the applicant. The Board went back off the record.

After deliberations, the Board went back on the record. Ms. Heeney confirmed with the Board that that the State met its burden of proof of the allegations.

A motion was made by Ms. Horsman, seconded by Mr. Gelley, that the burden of proof had been met by the State and that the Board ordered revocation of Mr. Hong Zhang's certification effective the date the Board signs the Order, which will be at the next Board meeting. The motion unanimously carried.

The hearing closed and the Board went off the record.

NEW BUSINESS

Ratification of Certified Massage Technician Applications

A motion was made by Ms. Horsman, seconded by Ms. Harris, to ratify the following Certified Massage Technician applications for licensure, which have already been issued by the Division of Professional Regulation:

Samantha Hudran
Danielle Reeder
Lina Mom
Susan M. Kline
Shaakira A. Dale
Kelly N. Watson
Elizabeth A. Field
Heather Langhaus
Nancy A. Tellado
Karen A. Windle
Veselka A. Ivanova
Dana K. Kylen
Darius S. Brown

The motion unanimously carried.

Ratification of Temporary Certified Massage Technician Applications

A motion was made by Ms. Horsman, seconded by Ms. Harris, to ratify the following Temporary Massage Technician applications for licensure, which have already been issued by the Division of Professional Regulation.

Diane Schiabor
Caithlin S.E. Connor
Jessica L. Vane

The motion unanimously carried.

Ratification of License Massage Therapists Applications

A motion was made by Ms. Horsman, seconded by Mr. Gelley, to ratify the following Licensed Massage Therapist applications for licensure, which have already been issued by the Division of Professional Regulation.

Kim I. Sho
Sarah E. Viallard
Rachelle Miller-Parker
Jennifer Rappa
George Tudor
Angelo D. Harclerode

The motion unanimously carried.

Application Reviews

The application for Asheley Class was reviewed by the Board and the Board Counsel due to having a blemish on her criminal record. Ms. Heeney made a recommendation to table this application due to not having a report from the State Bureau of Investigations (SBI).

A motion was made by Ms. Horsman, seconded by Ms. Nagyiski, to table her application until next meeting in order to allow her to get an official SBI report. The motion unanimously carried.

Continuing Education Approval Requests

After review, a motion was made by Ms. Horsman, seconded by Ms. Harris, to approve the following applications as presented:

Wayne Dawson, LMT & Christine Kurz

Pharmacology and Massage, 8 hours, core

Deep Muscle Therapy Center

Reiki I, 6 hours, elective

The motion unanimously carried.

A motion was made by Ms. Horsman, seconded by Mr. Gelley, to table the following application due to needing more clarification and detail on the syllabus for:

Baron & Butler School of Massage

Flexibility Training, Parts 1 & 2, 12 hrs each = 24 total, core

The motion unanimously carried.

COMPLAINT UPDATES

There were no updates.

CORRESPONDENCE

There was no correspondence.

OTHER BUSINESS

HB 436 passed the House and headed for the Senate.

PUBLIC COMMENT

Beth Richmond, CMT, spoke to the Board about the importance of having the massage schools regulated and inspected, regardless of whether it is done by the Division of Professional Regulation or the Department of Education (DOE). She advised that the schools are not being inspected; therefore, it would be good if the Board or Division can work with DOE.

It is the intention of the Board to determine what DOE regulates in the massage schools and have some sort of jurisdiction over the instructors because the Division has been receiving many complaints about unlicensed instructors teaching massage or working and teaching outside their scope of licensure.

NEXT SCHEDULED MEETING

The next meeting is scheduled for August 19, 2010 at 1:30 pm; however, the Board would like to schedule a workshop at 11:00 am in order to begin working on the Rules and Regulations.

ADJOURNMENT

There being no further business, a motion was made by Mr. Gelley, seconded by Ms. Horsman, to adjourn the meeting. The motion was unanimously carried. The meeting was adjourned at 3:10 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nancy L. Fields".

Nancy Fields
Administrative Specialist II for
Board of Massage and Bodywork